



# Memorandum

**TO:** Mayor and City Council  
**SUBJECT:** PDC09-010

**FROM:** Councilmember Rose Herrera  
**DATE:** February 8, 2010

Approved

*Rose Herrera*

Date *2/8/10*

## RECOMMENDATION

Approve Staff's recommendation on the Planned Development Rezoning for PDC09-010 with the following additions to be addressed at the PD Permit stage. Significant progress continues to be made between the applicant and Staff on the items below:

1. Up to 41 units – Up to 41 units may be included on the site plan contingent on the applicant satisfactorily addressing the design issues contained in the staff report and with the additions below.
2. Streets – Ensure that there is a safe pedestrian and emergency vehicle connection to Cadwallader Avenue to encourage residents to walk their children to school. This connection will be accessible to emergency vehicles only.
3. Flag lot/lot 29 – Direct the applicant to reduce the elevation of Lot 29 and move the house further towards the cul-de-sac to lessen the interface with the neighbor.
4. Drainage – At the PD Permit stage, ensure that existing and future drainage issues are compliant with local, state, and federal agencies.
5. Interface and setbacks – Ensure at the PD Permit stage that the lot patterns, setbacks, and buildings are configured to be compatible and typical for the development in this area when backing up to existing residences and to further explore the design of the separation between new homes along the southern edge of the site that borders APN 676-89-006.
6. Grading – At the PD Permit stage, the grading minimizes large flat pads and results in more natural slopes.
7. Height – There is a maximum of two stories on all the homes.

## **BACKGROUND**

As the City Council considers in-fill projects, we strive to implement the intent of the City's land use policies and goals. We take into consideration the perspectives of the neighbors, property owners, future residents, planning standards, and the long-range planning goals for San Jose. PDC09-010 will soon be a completed project and then part of the established neighborhood. This in-fill project has had the full attention of the surrounding neighbors and to their credit, they have challenged the developer to make a better project for the area.

History: This project has been in progress for the past five years prior to my coming into office in December 2009. Originally this General Plan amendment was scheduled at the Spring 2009 hearing. In order to address the community's concerns about inadequate community outreach for the General Plan hearing, I moved to delay the hearing until the Fall/Winter 2009 General Plan hearing. The neighbors did an effective job of staying engaged and articulating their concerns about the General Plan amendment. They are commended for not simply saying, "not in my backyard." Instead, they offered design alternatives and worked towards a consensus on how to meet their goals as well as move forward on the development.

There have been many challenges with this project. One of the challenges has been to create a project that matches the development of the surrounding neighborhoods with different elevations and differing requirements for density and access while staying consistent with the Silver Creek planned Residential Community (SCRC) and the Evergreen-East Hills Development Policy (EEHDP). I feel the proposed project has overcome those challenges.

The site is located within the Evergreen-East Hills Development Policy area and complies with the policy. By approving this Planned Development Rezoning, 35 residential units will be removed from the pool of 500 units. While the developer has processed this application as custom home lots due to the market conditions, the applicant has recently expressed that the current direction is to have the project developed as one contiguous development rather than developed individually.

Community outreach: Beginning on April 27, 2009, there have been five community meetings coordinated by my office, the applicant, and the Planning Department. The public meetings are summarized below:

- April 27, 2009: Community meeting at Cadwallader Elementary School
  - Lesley Xavier, Planner II, City of San Jose Planning Department
  - Applicant, DAL Properties
- May 18, 2009: Community meeting
  - Lesley Xavier, Planner II, City of San Jose Planning Department
  - Applicant, DAL Properties
- October 29, 2009: Community meeting at Cadwallader Elementary School
  - Lesley Xavier, Planner II, City of San Jose Planning Department
  - Applicant, DAL Properties

- November 12, 2009: Community meeting at Cadwallader Elementary School with:
  - Rob Smiley, Director of Operations of Evergreen School District
  - Manuel Pineda, Division Manager, City of San Jose's Department of Transportation
  - Matt Cano, Division Manager, City of San Jose's Parks, Recreation, and Neighborhood Services
  - Mike Enderby, Senior Planner, City of San Jose's Planning Department
- February 1, 2010: Community meeting at Evergreen Community Center

## **CONCLUSION**

PDC09-010 should be approved with the conditions outlined in the Recommendation section of this memo. The site plan as it is currently designed reflects the input from the community, staff and developer while satisfying all applicable City Land Use Policies and guidelines for in-fill development in Evergreen. The current Site Plan addresses the direction stated above and should form the basis for a PD Permit and Tentative Map approval. With this additional direction, the site plan should still be able to achieve its potential while satisfying remaining concerns reflected by this direction.